

“Date”

Mr. John Catalanotto
Fairway Consulting and Engineering
403 North Jefferson Ave.
Covington, LA 70433

RE: Ethics Board Docket No. 2021-060

Dear Mr. Catalanotto:

The Louisiana Board of Ethics, at its March 5, 2021 meeting, considered your request for an advisory opinion as to whether your company, Fairway Consulting and Engineering, LLC may contract to provide engineering services to the City of Mandeville while your wife, Rachael Catalanotto contracts with the City of Mandeville to serve as the Magistrate of the Mayor's Court. .

FACTS PROVIDED

You provided that you are the sole owner and president of Fairway Consulting and Engineering, LLC and you would like to contract with the City of Mandeville to provide general engineering services. You stated that your wife, Rachael Catalanotto currently contracts with the City of Mandeville to serve as the Magistrate of the Mayor's Court. You stated that as Magistrate, your wife has no authority or influence over contracts with the City of Mandeville nor does she exercise any supervision or authority over engineers working for the City of Mandeville. You stated that the Mayor's Court is a separate agency from the City of Mandeville's Public Works Department where your contractual duties are exercised. You further stated that your wife is not an owner, officer or employee of Fairway Consulting and Engineering.

LAW

La. R.S. 42:1113A(1)(a) prohibits a public servant, excluding any legislator and any appointed member of any board or commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

La. R.S. 42:1111C(2)(d) prohibits a public servant and a legal entity in which the public servant exercises control or owns an interest in excess of twenty-five percent, from receiving any thing of economic value for services rendered from a person who has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

CONCLUSION

The Board concluded and instructed me to inform you, the Code of Governmental Ethics (Ethics Code) would not prohibit you or Fairway Consulting and Engineering, LLC from contracting with the City of Mandeville to provide engineering services. The Mandeville Mayor's Court is a separate agency from the Mandeville Department of Public Works. Since your wife would not have authority or supervision over your contract with the City of Mandeville and her position would have no authority or supervision over any engineer for the City of Mandeville, and you and your company

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would not be under the supervision or jurisdiction of the Mayor’s Court, there would be no violation of the Ethics Code under La. R.S. 42:1113A(1)(a) or La. R.S. 42:1111C(2)(d).

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.